

Serial No.: 10/596,966
Docket No.: 09792909-6649
Amendment "B", dated May 4, 2010
Reply to the Office Action of February 4, 2010

REMARKS

A. Introduction

Claims 1-12 were pending and under consideration in the application. Claim 8 has been withdrawn from consideration.

In the Office Action mailed February 4, 2010 claims 1-2 and 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yap et al., U.S. 6,111,506 (hereinafter "*Yap*", in view of Kono et al., U.S. 6,813,010 B2, (hereinafter "*Kono*").

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of Benhammou et al., U.S. 2004/0059925 A1, (hereinafter "*Benhammou*").

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of Endoh et al., U.S. 2004/0022421 A1, (hereinafter "*Endoh*") and Nick Bromer, U.S. 6,476,715 B1 (hereinafter "*Bromer*").

Claim 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over as being unpatentable over *Yap* in view of *Kono*.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Endoh* and Jerome H. Lemelson, U.S. 4,189,712 (hereinafter "*Lemelson*").

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Bromer*.

In response, the claims are being amended to correct informalities and for clarity. Support for the amendment may be found, at least, in Figures 4 and 10 of the application as filed. No new matter is being added.

B. Rejections under 35 U.S.C. §103(a)

1. Claims 1, 2, 4-6, 9, and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yap et al., U.S. 6,111,506 (hereinafter "*Yap*", in view of Kono et al., U.S. 6,813,010 B2, (hereinafter "*Kono*"). Claims 2 and 4-6 depend from independent claim 1; claim 10 depends from independent claim 9.

Yap relates to a security identification document for use in identification and security systems and techniques for verifying and authenticating biometrics data. *Yap* discloses techniques for automated personal identification and verification that match a person with one or more of (1) a personal identification document, (2) a personal object or luggage identification document and (3) a travel authorization document. *Yap*, 1:10-28. According to *Yap*, a security identification document is made by forming a contactless communication insert unit by electrically connecting an integrated circuit including a microprocessor, a controller, a memory unit, a radio frequency input/output device and an antenna; disposing the contactless communication insert unit on a substrate and laminated to form a laminated substrate; supplying a first sheet of base material; supplying a second sheet of base material; disposing the second sheet of base material on top of the first sheet of base material and inserting the laminated substrate including the contactless communication insert unit between the first and second sheets of base material; and joining a third sheet of base material to the first and second sheets of base material having the laminated substrate disposed therebetween, the third sheet of base material containing printed text data located so as to be readable by humans. *Yap*, abstract.

Yap fails to teach or suggest the information processing system of claim 1, where a first information processing apparatus comprises a storage means which stores a first biological identification data associated with a predetermined portion of a living body a first communication means for performing communication when held proximate to the predetermined portion of the living body. Neither does *Yap* teach or suggest the information processing apparatus of claim 9, which recites an equipment means which is equipped on a predetermined portion of a living body.

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According to the Office Action (pages 3 and 13), the security document 10 of *Yap* corresponds to (i) Applicants' first information processing apparatus (as recited in claim 1) and (ii) Applicants' equipment means (as recited in claim 9). *Yap*, however, fails to teach or suggest the security document has a communication means for performing communication when held proximate to the predetermined portion of the living body (as recited in claim 1); neither is the security document an equipment means which is equipped on a predetermined portion of a living body. Indeed, *Yap* at least implicitly teaches away from the foregoing features, by proposing a security document analogous to a subject's passport, visa, driver's license, social security card or credit card (*Yap*, 1:35) and such cards are not inspected or validated proximate to or equipped on any predetermine portion of the subject's living body.

The Office Action asserted that *Kono* discloses a personal identification system wherein the system comprises a camera having a light source used to capture a pesons blood vessel pattern and the captured image is processed to identify the captured data. Whether or not this is so, such disclosure fails to cure the deficiencies noted above.

Because the foregoing features are not taught or suggested by the cited prior art, the Office Action fails to establish that the invention as a whole is obvious in light thereof. See MPEP 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F. 2d 1382, 1385.(CCPA 1970).

As a result independent claims 1 and 9, and claims depending therefrom, claims 2, 4-6, and 10 are patentable over the combination of *Yap* and *Kono*.

2. Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of Benhammou et al., U.S. 2004/0059925 A1, (hereinafter "*Benhammou*").

Claim 3 depends from claim 1, which is patentable over the combination of *Yap* and *Kono* for the reasons given in part B.1 above. The Office Action asserted that *Benhammou* discloses a security system wherein the security memory device for smart cards and the host device perform

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the mutual authentication before allowing the host reader to read/write information to the cards. Whether or not this is true, such disclosures fail to cure the deficiencies noted above.

As a result, claim 3 is patentable over the combination of over *Kono*, *Dietz*, and *Endoh*.

3. Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Endoh et al.*, U.S. 2004/0022421 A1, (hereinafter "*Endoh*") and Nick Bromer, U.S. 6,476,715 B1 (hereinafter "*Bromer*").

Claim 7 depends from claim 1, which is patentable over the combination of *Yap* and *Kono* for the reasons given in part C.1 above. The Office Action asserted that *Endoh* discloses a device with built-in LEDs used as a light source to capture the user blood vessel image in the authentication process, and that *Bromer* discloses a land vehicle having its vehicle identification number encoded into the binary format and flickering encoded identifier is displayed using the brake light of the vehicle. Whether or not the foregoing assertions are accurate, such disclosures fail to cure the deficiencies noted above.

As a result, claim 7 is patentable over the combination of over *Yap*, *Kono*, *Endoh* and *Bromer*.

4. Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Endoh* and Jerome H. Lemelson, U.S. 4,189,712 (hereinafter "*Lemelson*").

Claim 11 depends from claim 9, which is patentable over the combination of *Yap* and *Kono* for the reasons given in part B.1 above. The Office Action asserted that *Endoh* discloses a cell phone having the light source for emitting light and photographing the user blood vessel by the reflected light of the user palm of the hand, and that *Lemelson* discloses a switch and lock activating system and method where a finger ring that contains a security code operates the activating system. Whether or not the foregoing assertion is accurate, such disclosures fail to cure the deficiencies noted above.

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As a result claim 11 is patentable over the combination of *Yap*, *Kono*, *Endoh*, and *Lemelson*.

5. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Bromer*.

Claim 12 depends from claim 9, which is patentable over the combination of *Yap* and *Konoh* for the reasons given in part B.1 above. The Office Action asserted that *Bromer* discloses a land vehicle having its vehicle identification number encoded into the binary format and flickering encoded identifier is displayed using the brake light of the vehicle. Whether or not this is true, such disclosure fails to cure the deficiencies noted above.

As a result, claim 12 is patentable over the combination of over *Yap*, *Kono*, and *Bromer*.

C. Conclusion

In view of the foregoing, it is submitted that claims 1-7 and 9-12 are allowable and early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview. Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

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If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: / Michael L. Day /

Michael L. Day, Reg. No. 55101

P.O. Box 061080

Wacker Drive Station, Sears Tower

Chicago, IL 60606-1080

415-882-5064 (telephone)

415-882-0300 (facsimile)

ATTORNEYS FOR APPLICANT